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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,683	11/25/2003	Alaine Cote	6233-19US (L79710002)	6167
570	7590	07/18/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/721,683

Applicant(s)

COTE ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

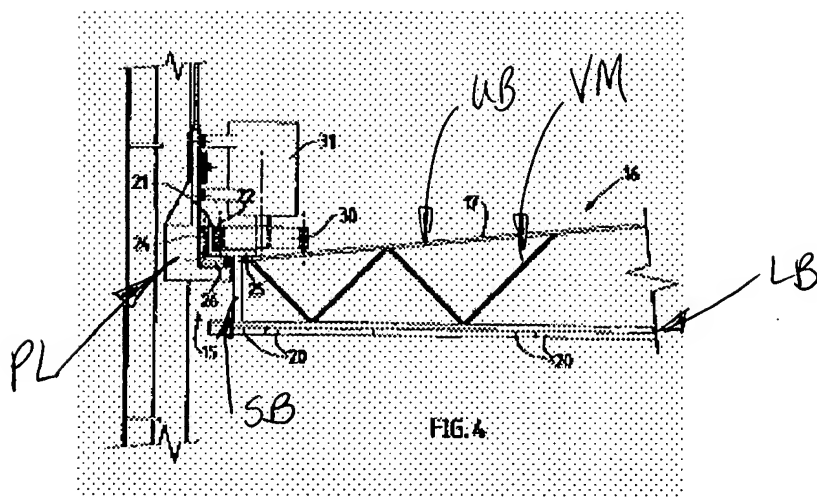
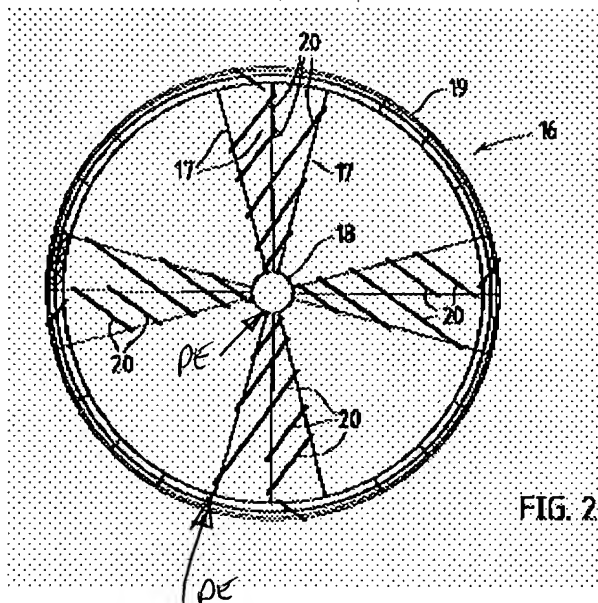
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

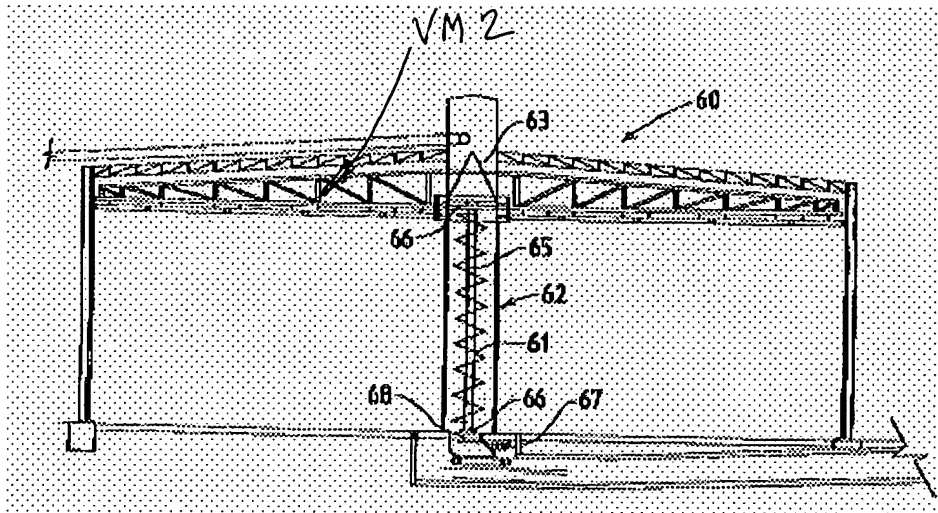
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,503,041 to VAN GORP in view of US Patent #6,843,026 to HOEHN.

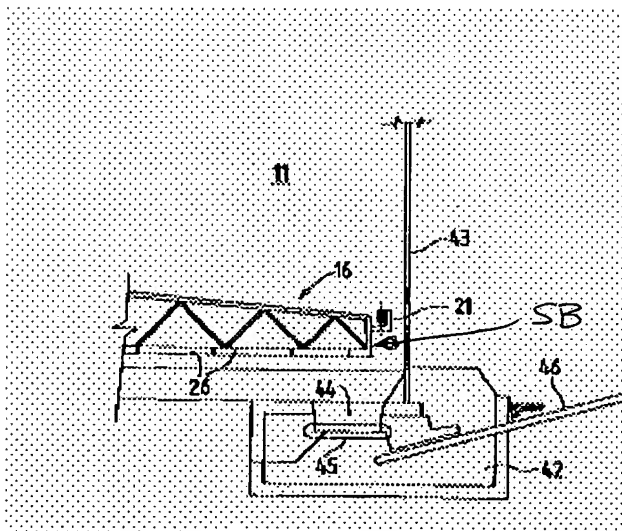
VAN GORP discloses the use of a roof (10) including a frusto-conical configuration and comprising a central, tubular hub (13) and plurality of trusses (16) extending radially outwardly therefrom, each of said trusses (16) having a proximal end (PE) and a distal end (DE), see below; the proximal ends (PE) of said trusses being connected to said central, tubular hub (13); each of said trusses comprising parallel upper (UB,90) and lower (LB, 94), see below, beams spaced apart and secured together by generally

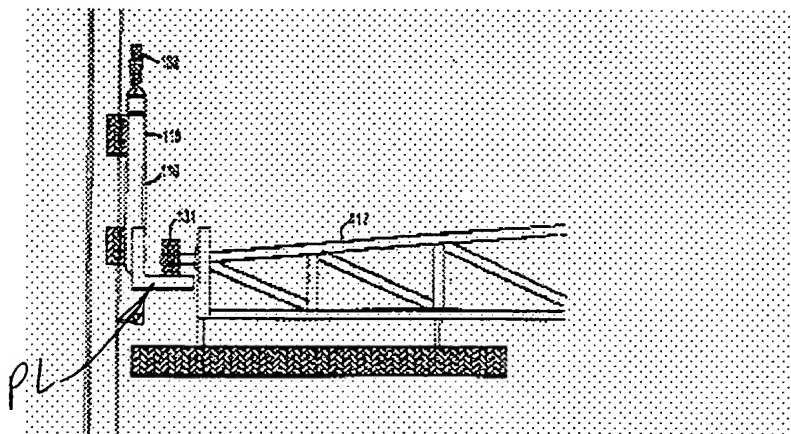


V-shaped chord members (VM), see above, and (34) and intermittent vertical connecting members (VM2), see below, extending normally to said upper (UB,90) and



lower beams (LB, 94); a plurality of support beams (SB), see first figure above, extending normally between adjacent upper beams (UB, 90) of said trusses (16); said upper beams (UB, 90) and said support beams (SB) forming an upper surface of the roof (10); and plate members (21, PL), see first figure above and figure below, inherently





having low frictional surfaces, column 3, lines 1-6, located intermediate the lower edge of the roof and an upper surface of the cylindrical wall (11) structure covered by the roof (10). VAN GORP discloses the basic claimed roof except for explicitly detailing the use of a sheet member coverings. HOEHN teaches that it is known in the art to provide the roof (22) of a structure (20) with sheet roof coverings (28). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the roof of VAN GORP with the sheet coverings of HOEHN in order to properly protect the roofing support members while also providing the roof with an aesthetically pleasing surface. In reference to claim 2, the hub (13) of the roof (10) is a means to secure said roof (10) to the wall upper surface. Regarding claim 3, the lower edge of the roof (10) also includes a generally cylindrical reinforcement member (19). In reference to claims 4 and 5, VAN GORN is silent with regards to the materials of the plate members and the sheeting members. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice, for

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instance, if the plate members are excessively exposed to moisture or liquids of some sort, perhaps polyethylene material would be more economically beneficial as opposed to aluminum, and vice-versa for the sheet materials.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,503,041 to VAN GORN, as modified by US Patent #6,843,026 to HOEHN as applied to claim1 above, and further in view of US Patent #5,522,186 to JARMAN. VAN GORN, as modified by HOEHN, discloses the basic claimed structure except for explicitly detailing the use of a door. JARMAN teaches that it is known in the art to provide the wall (140) of a structure (20) with a door (142). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of VAN GORN, as modified by HOEHN, with the door of JARMAN in order to give access to the interior and exterior of the structure.

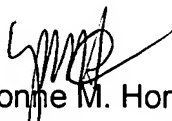
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton  
Examiner  
Art Unit 3635